

## LOW MAKES FULL DENIAL

(From Saturday's Advertiser.)  
James E. Low in person yesterday filed his answer in the Beef Trust case in the Federal court. As one of the defendants named in the petition of the United States of America against Metropolitan Meat Co. and others he says: "I have read and studied said petition or bill of complaint, and do hereby make answer to the best of my ability, knowledge, information and belief."

As to the statement that the suit is brought "under the direction of the Attorney General of the United States," he says he knows nothing about it other than what he has read in the bill. The same reply is made to the next section declaring that certain defendants are corporations and copartnerships. Mr. Low adding that "he has no personal interest in any of the corporations or copartnerships named."

He negatively replies to the third section dealing with the fictitiously named defendants "John Hewitt, Richard Maui, Thomas Oahu, Henry Kauai, William Niihau, Horace Kahoolawe, Peter Lanai and Francis Molokai," saying that as he had been cited under his true name the allegations therein did not apply to him.

Mr. Low admits that he has been since annexation and now is, "and hereafter expects to continue to be, as long as there is any reasonable profit therein," engaged in the business of delivering beef cattle and fresh beef to dealers and consumers in the Territory, for himself personally and as an agent for others.

In the most candid manner this defendant also admits "the geographical situation of Honolulu," also the allegation that "Honolulu is one of the principal beef markets and distributing centers in the Territory," but denies that it is absolutely the "principal market and distributing center," as alleged by "your Orator."

Then comes the strongest point in his line of defense, where he says: "This defendant not being a stockholder of the Metropolitan Meat Co., Limited, one of the defendants named in said petition or bill of complaint, knows not whether or not it will continue to be engaged in the business of selling, shipping and delivering beef cattle and fresh beef to dealers and consumers in said city of Honolulu, and he declares that it concerns him not, as he is associated extensively with dealers and consumers of beef in said city of Honolulu, other than the said Metropolitan Meat Co., Limited."

Mr. Low disputes the estimates of the complainant in the allegation that about 3,667,405 pounds weight of beef cattle, of the value of \$247,178.25, are consumed annually by the inhabitants of Honolulu and of the Territory of Hawaii, and denies every allegation or charge made against him in sections 8 to 22 of the complaint, "excepting therefrom such technical matters as are of proper record and law quoted which this defendant is not versed in." He leaves such estimates and all other matter not within his knowledge to District Attorney Breckons to prove.

And, last preceding his prayer "to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained," Mr. Low makes this declaration:

"Further answering this petition or bill of complaint, this defendant denies that he has violated, is now violating, or does intend to violate any of the laws of the United States, as quoted by your learned 'Orator'; but, on the other hand, this defendant declares herewith that he has always dealt in open competition, is now in competition, and expects to be in competition, for the best interests and welfare of those associated with him in the beef industry and that without any violation of any of the laws of the United States of America."

## STEAMER CUMMINS CLAIM OF SALVAGE

Waimanalo Sugar Company claims \$1000 salvage money of Pacific Mail Steamship Company on account of services rendered by the libellant's steamer, John A. Cummins, in transporting passengers, baggage and treasure from the stranded steamer Manchuria to the ports of Waimanalo and Honolulu respectively.

A libel in admiralty bearing the claim was filed in the United States District Court Friday. Under a stipulation between H. E. Cooper, proctor for libellant, and H. Hackfeld & Co., Ltd., agents of libelee, a citation in the nature of a warrant of arrest against the Pacific Mail Steamship Company was issued in place of an attachment of libelee's property. This instrument was served on W. Protenhauer, vice president of the Hackfeld corporation, by Marshal E. R. Hendry. It does not mean a personal arrest, but Mr. Protenhauer will appear in court for the libelee on return day. The stipulation is that the libelee duly appear and abide by such decree as may be rendered.

It is related in the libel how, at the time from August 20 to August 27 inclusive, the John A. Cummins answered calls for her services to the stranded steamer.

In going alongside the Manchuria to take off the passengers the little steamer had to go through the surf and pass over the reef. Several of the passengers offered Captain J. B. Searle, master of the Cummins, \$100 each to land them, so excited were they in their predicament. No count was made, but it is figured in the libel that 197 passengers, with their hand baggage, were transferred from the Manchuria to the port of Waimanalo. Again, the Cummins transported the heavy baggage and treasure boxes containing \$75,000, to Honolulu. The Cummins is said to have a value of \$15,000 and, on the occasions in question, had a crew of fifteen men, together with her master, on board.

## TREASURY'S COLD DAY

(From Saturday's Advertiser.)  
It blew cold for the revenue from the Supreme Court bench yesterday when a batch of sugar plantation appeals on the income tax were lost by the government.

In these cases the government complained that, by a change in the mode of making their returns, these sugar planting corporations had doubly discounted their incomes. This was the first year that the law could reach an entire year's business of the plantations. Up till now they had received the benefit of deducting the expenses of cultivating the crop—a process of eighteen months—from which their incomes were derived.

It was contended by the government that the income of a corporation should represent its actual net profits for the preceding year. This was impossible to reach when the plantations, by a change of bookkeeping with the government, charged their income with the expenses of the six months before such preceding year.

However, the Tax Appeal Court was sustained in its decision favorable to the plantations. Many thousands of dollars in taxes claimed were involved.

Another reverse to the government was experienced in the matter of James B. Castle's appeal from the levying of income tax on the profits he made from the sale of about \$200,000 worth of H. C. & S. Co. stock, which amounted to something like \$120,000. At two per cent, the tax on this would be \$2400. The appeal was sustained.

### TAX CASES HEARD.

Oral decisions were given by the Supreme Court yesterday, affirming the decisions of the Tax Appeal Court against Tax Assessor Holt in the cases of Laupahoehoe Sugar Co., Waialea Mill Co., Hamakua Mill Co. and Union Mill Co. Deputy Attorney General Prosser appeared for the appellant, and Kinney, McClanahan & Derby for the appellees.

In the case of James B. Castle's appeal from the Tax Appeal Court, an oral decision was given reversing the decision of the lower court. Mr. Prosser for the assessor; Castle & Withington for the appellant.

Honolulu Rapid Transit & Land Co.'s income tax appeal was argued and submitted by Mr. Prosser for the assessor and Castle & Withington for the taxpayer. The property tax case of the Rapid Transit Co., comprising cross appeals from the Tax Appeal Court, was submitted on briefs.

Cross appeals from the Tax Appeal Court in the case of Oahu Sugar Co. against Tax Assessor J. L. Holt formed the last matter heard for the day. Mr. Prosser appeared for the assessor and Thompson & Clemons for the taxpayer. At the conclusion the court rendered an oral decision to the effect that, as the bone of contention was the question of valuation, the decision of the lower court should be affirmed.

Waialea Agricultural Co. vs. Oahu Railway & Land Co., cross exceptions, will be heard today. Judge De Bolt will sit in place of Chief Justice Frear, disqualified.

### CRIMINAL CASE.

Puhau, an old native, was placed on trial before Judge Lindsay yesterday for criminal intercourse, the other person being under fourteen years of age. Deputy Attorney General W. S. Fleming appeared for the Territory, and W. T. Rawlins for the defendant. The jurors trying the case are C. M. Lovestead, H. M. Rodgers, J. M. McDonald, W. O. Barnhardt, Chas. Spencer, Sol. D. Kook, T. W. Chase, W. K. Wai-manalo, W. Sturdivant, C. J. Ludwigsen, C. J. Falk and S. W. Spencer. At 4 o'clock the trial went over to Monday.

### MORTGAGE FORECLOSED.

A decree of foreclosure was made yesterday by Judge De Bolt in the suit of E. H. F. Wolter, trustee, vs. Henry Vieira. James F. Morgan is the commissioner of sale. The debt is \$6146.05 and the mortgage is on Nuuanu avenue premises, containing an area of 1740 square feet. The decree was based on judgment of default.

Vieira is the old gentleman who deeded all of his property—a large estate—other than that covered by this mortgage, to his children, according to an equity suit lately brought to cancel the deed on the ground of undue influence. One of the averments of the complaint was that Wolter's rights, in regard to a deficiency judgment, were liable to be prejudiced by the conveyance in question.

### MRS. MAILE CITED.

In the matter of J. O. Carter's action on judgment against Koolau Maile and her children, the Kalkinahahe minors, with the S. C. Allen estate trustees as garnishees, Judge Robinson has made an order citing Mrs. Maile to appear on Monday next and show cause, if she can, why she has not filed any answer or other pleading on behalf of the minor defendants as their guardian ad litem.

### DEAD OIL STOCK.

Magdalena Bergersen, executrix of the estate of Bernhard Bergersen, petitions for approval of accounts and discharge. She received \$48.95 and paid out \$68.25. Her inventory of the estate shows its total value as \$3,558.95, of which \$2500 represents a residence at Kapiolani Park Addition. One hundred shares in California Rock Oil Company is put down as of no value.

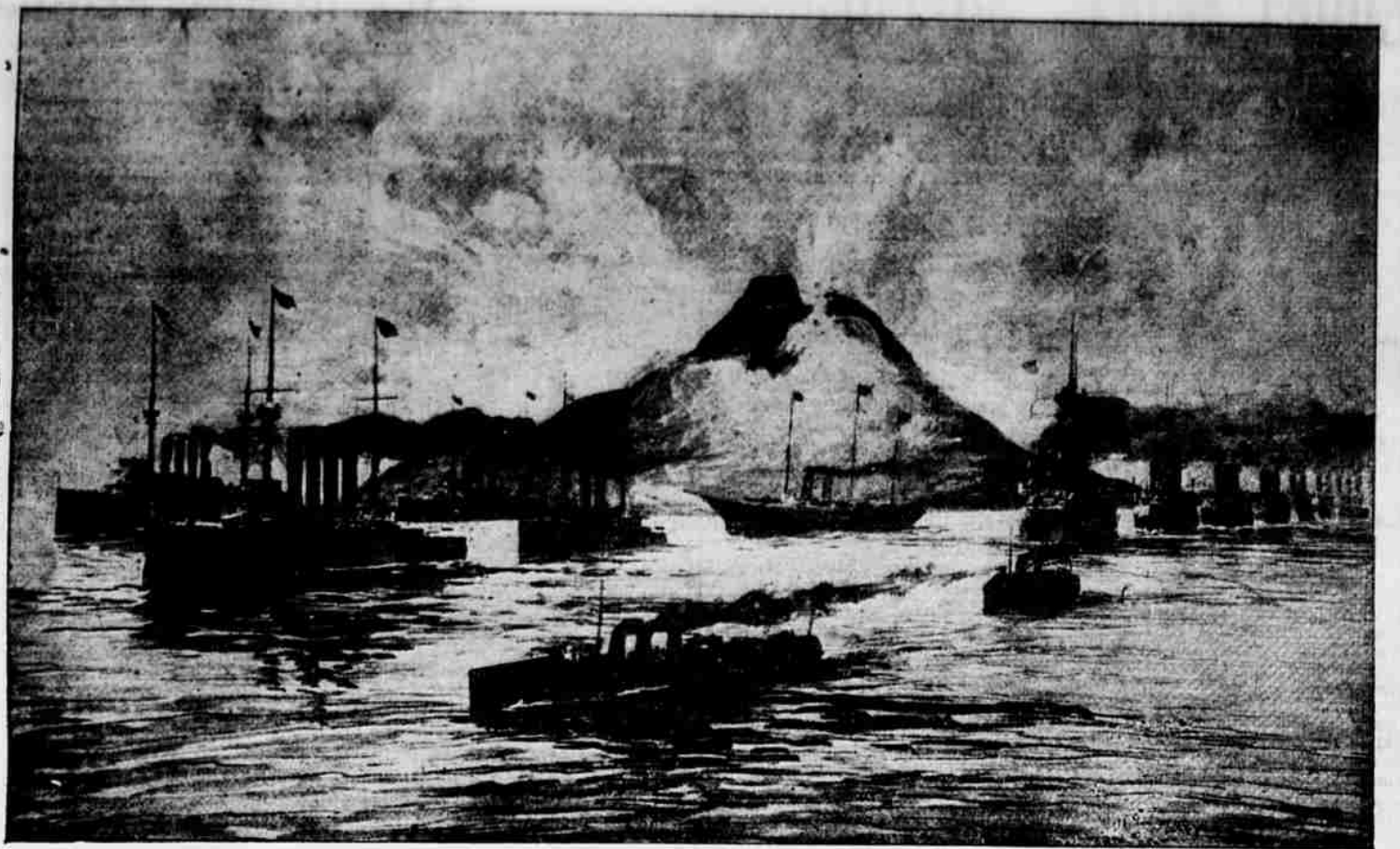
### ANDERSON TO DECIDE.

With relation to the suit for admeasurement of dower brought by Maria Barete against William Savidge, trustee, and the Barete estate heirs, Judge Robinson under agreement of counsel on both sides has made an order referring the cause to Robbins B. Anderson as master, with full power to summon witnesses and compel their attendance and fully hear and determine the matters in controversy. It is further ordered that the master file a report of his acts on or before November 1.

### LAW OF REPLEVIN.

W. C. Achi for defendant in the replevin suit of Uchiyama Yozo vs. Takahashi Kotaro will move before Judge Lindsay this morning to dissolve the

# SICILY AND CALABRIA SHAKEN



STROMBOLI IN ACTION.

## PHOTOGRAPHY OF AMATEURS

Amateur photography in Hawaii is to be given a boost through an exhibition to be held at the Promotion Committee rooms in the near future. At a meeting held on Wednesday, Messrs. Perkins, Warren and Dr. Sinclair were appointed a committee to arrange the details for the exhibit. The committee will make up the classification for photos, comprising portraits, landscapes, marines, etc.

A. Gartley, one of the best amateur photographers in the Hawaiian Islands, is secretary, and this insures a fine exhibit. The Gartley photographs are becoming famous, not only in Honolulu but on the mainland. There are numbers of amateurs in the islands and some beautiful pictures have resulted through their efforts, but they are seldom shown in public. The exhibition will doubtless prove valuable in many ways for the islands, and the promotion committee is favoring the project in every way possible.

There will shortly be a new opportunity for amateurs to display their art. The Ridgways of New York have sent out circulars to photographers all over the United States drawing their attention to a weekly sixteen page publication they will soon issue, which is to be devoted largely to new photographs from all parts of the United States. Hawaii is asked to be a contributor. All photographs which bear any relation to news dispatches, etc., will be acceptable and Hawaii is asked to send on whatever photo news it may have. Pictures of wrecks, prominent men and women visiting here, and all strange features which have a news value are acceptable.

With this opportunity in view and the growing demand of mainland publications for photographs, the coming exhibit should be a very successful one.

Photographers generally hope that the Hawaiian edition of the New York Independent will be replete with photographs of island scenes.

## TOUGH JAPANESE COAL PASSER.

That B. Kikuchi, a coal passer on the Japanese liner Nippon Maru, is alive and able to take curry and rice and shovel black diamonds, is about as wonderful as Japan itself. Judged by the ordinary limitations of human endurance, Kikuchi should have been mangled into a shapeless pulp in the Nippon's stoke hole. He should have been suffocated. He should have been seared to death. He was not even scratched.

It happened during the run from Yokohama to Honolulu, on the voyage which ended with the Nippon's arrival here late Monday afternoon. The liner was rolling heavily in the Pacific swell. Kikuchi was in the Nippon's stoke hole, trimming coal. Attacking the fuel where it was heaped high, Kikuchi underran the pile. As he stooped to shovel out a little more of the heap's foundation the liner rolled and the coal collapsed. Kikuchi underneath.

For an hour and a half as many of his shipmates as could crowd into the bunker worked like little brown furries to disinter the remains. They had no hope of finding Kikuchi alive, but they had scruples about feeding their shipmate with the coal to the liner's furnaces and wanted to recover as much of him as possible.

At the end of ninety minutes a hand was uncovered. It was not long before the coal passer's apparently lifeless body was laid gently on the deck. Dr. Manning, the liner's surgeon, discovered signs of life, but it was some minutes before Kikuchi responded to the medical efforts. He came to all of a sudden.

He sat bolt upright. He sneezed. He stood up. He bowed to the doctor five times, said "Thank you, please," and returned to the stoke hole. He was not allowed to work for several hours, but the most careful examination failed to reveal where he had received either scratch or bruise, and he has suffered no inconvenience since.—San Francisco Call.

## Much Damage Done on the Island and One Hundred Shocks on the Peninsula.

(Associated Press Cablegrams.)

PALERMO, October 13.—Earthquakes have done great damage in Sicily. There have been one hundred shocks in Calabria within five days.

Calabria is the extreme southern province of Italy, divided from Sicily by the narrow strait of Messina. The volcano of Stromboli is on an island north of Sicily and west of Calabria and the volcano of Etna is on the east coast of Sicily. The whole region has been subject, since ancient times, to devastating seismic phenomena.

## ALASKAN'S SUGAR CARGO CAUGHT FOUR CENT RATE

The arrival of the American-Hawaiian company's big freighter Alaskan at New York on October 9 with 11,540 tons of sugar from island plantations was good news to the planters for the sugar caught the four cent rate just then prevailing.

Eleven thousand five hundred and forty tons of sugar is 23,080,000 pounds, and at 4 cents per pound this would make a value of \$923,000 or close to a million dollars for the cargo.

The Texan is on the way to New York via the Horn with another big cargo of sugar. The next movement of sugar to New York and Delaware Breakwater will be by way of the Tehuantepec Railway, the American-Hawaiian freighters transshipping their cargoes at the Pacific terminus of the railway to the cars and other vessels, reloading it on the Atlantic side. This movement is expected to start some time in November or early in January. Mr. Morse of the local A.-H. agency has not yet been apprised of the date of sailing of the first steamer on this route. The schedule will be completed in the New York office.

The Nevada is the next A.-H. steamer to leave the Sound. She will depart on October 23 and calling at San Francisco will sail direct therefrom for Honolulu on October 31.

## ANEGAWA REFUSES TO ENTER KAHULUI PORT

(By Wireless Telegraph.)

KAHULUI, October 12.—The Anegawa arrived at eleven a. m. and anchored off port. A committee of Japanese went to the Anegawa and induced the captain and two officers to come ashore but the captain refused to bring in his ship. The officers stayed ashore about an hour and speeches were made from the balcony of the Masonic building. There were no sports. The officers returned to their ship at 4 p. m. and the vessel expects to sail for Honolulu at 6 p. m. She left Hilo at 6:30 p. m., Wednesday, and it is not known where she cruised before arriving at Kahului.

## EDWARD M'KEAN DIES SUDDENLY

Edward B. McKean, division head luna on the Kilauea plantation, Kauai, dropped dead at his home at Pila on October 11, just after partaking of luncheon. He had been quite merry before and during the meal and upon leaving the house, just after joking with his wife, he was seized with a fit of coughing which resulted in his death.

Mr. McKean would have been 56 years of age on March 25, 1907. He was born in Glasgow. He came to the Hawaiian Islands in 1882 and worked on the Spreckels plantation for six years. He then spent two years in Waianae, and Kilauea two years. He was married on September 24, 1888. Mr. McKean was a Mason, belonging to a Masonic lodge in Scotland. The funeral services were conducted by Rev. Mr. Lydgate.

## MILITARY COURT SITS AT MANILA.

NEW YORK, September 28.—A cable to the Sun from Manila says: The investigation into the irregularities in the Quartermaster's Department, in which Major Fredenhall is under charges of misappropriation of public funds, continued behind closed doors at military headquarters. The investigators have completed and revised, though it is still unofficial, a list of unsettled accounts that takes up five typewritten foolscap pages. Among the names on this list are those of Major General Corbin, Captain Horton, Miss Alice Roosevelt, several Washington officers and numerous military and civil officers who are or have been stationed in the Philippines.

A sensation is expected on the arrival of the transport Thomas, which is understood to be bringing important witnesses.

## HOUSEHOLD CARES

Tax the Women of Honolulu the Same as Elsewhere.

Hard to attend to household duties With a constantly aching back. A woman should not have a bad back. And she wouldn't if the kidneys were well.

Doan's Backache Kidney Pills make Here is a Honolulu woman who endorses this claim:

Mrs. Emma Vieira, of King street, this city, says: "For three or four years I had the misfortune to be afflicted with an aching back. The pain and discomfort this entailed on me can be better imagined than described. I have two children, and it was of course difficult for me to attend to them while oppressed with suffering. The way in which I found relief eventually was by using Doan's Backache Kidney Pills, procured at the Hollister Drug Co.'s store. They did me a large amount of good, as I now testify. I should certainly recommend those who have backache or any other form of kidney trouble to try Doan's Backache Kidney Pills."

Doan's Backache Kidney Pills are for sale by all dealers. Price 50 cents per box (six boxes \$2.50). Mailed on receipt of price by the Hollister Drug Co., Ltd., Honolulu, wholesale agents for the Hawaiian Islands. Remember the name Doan's, and take no other.

Collector Stackable, special immigration agent, has cabled to Washington for extension of his leave of absence. He wishes to spend more time in the Azores and may go to Italy.